

April 1, 2008

Mr. Ford called the Workshop meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Mazza, Mr. Bischoff, Mr. Martin, Mr. Taibi, Mr. Badenhausen, Mrs. Corcoran, Mr. Ryland, Mr. Ford, Mr. Kirkpatrick (7:05 p.m.)

Members Absent: Mr. Walchuk

Others Present: Carl Hintz, John Reymann, Scott Eichlin, Michael Schengrund, Ron Cutlip, Kevin Andresen, Kenneth Frye

Perryville Group LLC: Block 22, Lot 4, Route 173 East: Memorialization of Resolution #2007-011: Mr. Bischoff noted a possible spelling error in the Resolution. He also said the standard Planning Board clauses were not included. He said approval of the Resolution would have to be conditioned upon addition of the clauses.

Mr. Bischoff made a motion to memorialize the Resolution, subject to investigation of the possible misspelling of a word and the addition of the standard clauses by the Board Attorney. Mr. Mazza seconded the motion.

Vote: Ayes: Mr. Bischoff, Mr. Mazza, Mr. Martin, Mr. Badenhausen, Mrs. Corcoran, Mr. Ryland, Mr. Ford, Mr. Kirkpatrick

Abstain: Mr. Taibi

Mr. Ford said the Board would proceed with the informal discussions. He said no action would be taken. Mr. Ford said there are four items on the agenda.

Union Township Board of Education: Former Tersigni Property: Scott Eichlin, an architect with Frank Bell, gave a brief overview. Mr. Eichlin said the Tersigni property was purchased by the Board of Education (BOE) to be used as access. Hunterdon County denied that access. The BOE would now like to sell the property; however, it appears that a merger occurred when they purchased contiguous property which became the site of the new Elementary School. Mr. Eichlin said the lot is less than the required two acres. Land from the larger parcel could be merged making the lot conforming. If the original lot line could be established the BOE would probably be able to sell the property, even though it doesn't meet the requirement for lot size. Mr. Kirkpatrick thought the house might be attractive to a teacher whose income would probably be within the COAH limits. Mr. Eichlin did not think the BOE should get into the renting or leasing business. Mr. Hintz said the unit would have to be publicly marketed. Mr. Taibi thought the proposal was shortsighted. He felt the land might be needed in the future for school activities. Mike Sroka, BOE President, did not foresee any need. Mr. Eichlin mentioned that much of the land is in the wetlands. Mr. Bischoff asked if there were any unfinished referendum items. Mr. Sroka said he did not believe there were. He said some of the referendum matters were rather vague.

Mr. Ryland asked for clarification that the BOE was seeking to either increase the property to two acres or restore it as the lot existed prior to acquisition by the Board. Mr. Eichlin said that was correct. Mr. Kirkpatrick said the least costly way to proceed would be to have a surveyor prepare a modified metes and bounds description showing the original property line. Mr. Kirkpatrick explained the proofs required if it was decided to proceed with a variance application. Mr. Sroka said the BOE was looking for the least expensive way to resolve the issue. Mr. Kirkpatrick said they should compare the costs. Mr. Taibi asked if the Planning Board could offer guidance, following the comment by Mr. Sroka about proceeding in the least expensive way. Could the Planning Board confirm that whichever approach turns out to be the least costly would be alright with the Board? Messrs. Kirkpatrick and Ryland had no problem with the BOE proceeding in that manner. Messrs. Eichlin and Sroka thanked the Board for their time.

MBP Group LLC: Block 12, Lot 8.03, Charlestown Road: Michael Schengrund, an owner, said the Group was proposing construction of a barn to be used for storage of electrical supplies. Mr. Schengrund had attended the March 4, 2008 Workshop. He presented a proposal which is no longer allowed in the District. Mr. Ford asked about parking. Mr. Schengrund said the only parking would be for employees. Mr. Kirkpatrick asked Mr. Schengrund if he had looked into environmental constraint matters. Mr. Schengrund replied in the affirmative. A wetlands specialist had visited the site and did not foresee any problems. Mr. Kirkpatrick asked if the Township's Natural Resource Inventory had been reviewed. Mr. Schengrund said it had not. Mr. Kirkpatrick asked about an L.O.I. Mr. Schengrund said they did not have an L.O.I. Mr. Kirkpatrick advised obtainment of that Document. Mr. Bischoff emphasized the importance of the L.O.I. Mr. Schengrund was aware the property is in the Highlands.

At the March 4, 2008 Workshop, Mrs. Corcoran had brought up using composting toilets. In response, Mr. Schengrund had brought information about the toilets with him tonight. Mrs. Corcoran told Mr. Schengrund to contact the Hunterdon County Health Department about grey water. Mr. Kirkpatrick said the site is difficult to work with. Mr. Ford advised Mr. Schengrund to seek professional assistance.

Red Hills Quarry: Block 22, Lot 30, 5 Route 173 East: Ron Cutlip, Architect and Planner, was present on behalf of Bergen Associates. Mr. Kirkpatrick asked Mr. Cutlip about their engineering firm. Mr. Cutlip said they do not presently have a firm. Mr. Kirkpatrick asked the question since he and Mrs. Corcoran had worked for a firm that had performed work on the site. He wanted assurance from Mr. Cutlip that there would not be a conflict. Mr. Cutlip did not foresee a problem. He said it could be beneficial. Mr. Cutlip had appeared at the March 4, 2008 Workshop. At that meeting, he was advised to contact the Water Supervisor at the Town of Clinton. He was told there is presently a moratorium on water; however, that should not be an issue in three to four years. Mr. Cutlip was told to write a formal letter to the Board explaining the location, number of units and anticipated time water would be required.

Regarding another issue from the March Workshop, Mr. Cutlip had spoken to an assistant to School Superintendent Jeffrey Bender about the proposed development. He explained to the assistant that the project is not proposed as a family development; however, Mr. Cutlip wants to speak directly to Mr. Bender. Mr. Cutlip said the proposed sewage treatment plant has been moved from the hill to a farmland area which percs better. Mr. Cutlip said 10% of the units will be Affordable. They will be in a garden setting. A clubhouse and pool are also proposed. There is a legal easement that accesses onto Race Street for the Schmauser and Andresen properties. Mr. Cutlip said, however, that the residents nearest Race Street should be able to access that way. The main access is via Frontage Road. Mr. Cutlip said that access should be discussed by the Board. He will provide information on the easement to the Board secretary. Mr. Bischoff said it would be a good idea to retain that access for public safety. Mayor Mazza asked about the stream shown on the Plan. The stream is a tributary that flows into the Sidney Brook. Mr. Cutlip said there will be limited disturbance of vegetation at the site. Development of the property will result in less runoff. Large preserved areas are proposed. Mr. Cutlip said a letter had been sent requesting a change in zoning from Quarry to Multi-Residential (RM). Two parcels in the proposal are in the VR and CR Districts. Applicant would also ask that those parcels be changed to RM.

Mr. Bischoff referred to the proposed clubhouse. He said that would require additional COAH Units. Mr. Cutlip said he would remove that from the proposal. Mr. Hintz noted that 74 COAH Units would be required. The tract consists of 79.5 acres. Mr. Kirkpatrick asked if a Wetlands Delineation had been done and if there was an L.O.I. Mr. Cutlip said there had been some preliminary work done by a previous applicant. There is no L.O.I. Mr. Kirkpatrick emphasized that the Natural Resource Inventory requirement must be met. He also said a nitrate dilution analysis would be required to demonstrate that on-site surface water and off-site groundwater would not degrade the quality of the Sidney Brook. Mrs. Corcoran mentioned the size of the sewage treatment plant. Mr. Hintz said the Wastewater, Land Use and Fair Share Elements of the Master Plan would need to be amended. Mr. Hintz also said he understood there was a total moratorium on water from the Town of Clinton to outside municipalities. He said the density in the VR District is .5 and other Residential Districts is 1.65 units per acre. RM density is .6 for single-family detached and 6-8 units per acre for other RM uses. Mr. Hintz said applicant is under the density allowed.

Regarding the circulation plan, Mr. Hintz advised Mr. Cutlip to check the RSIS. He said there has to be one complete road through the development with two means of access to a public street. Mr. Kirkpatrick said a large portion of the access to Race Street would fall within the 300-foot buffer. It would be extremely difficult to put a road through the buffer. Mr. Cutlip was also told that there could not be any units, garages or parking on the collector road. Mr. Kirkpatrick emphasized numerous difficulties with the proposal. Mr. Cutlip said he would take recommendations and come back to the Board with a revised proposal. Mr. Kirkpatrick apprised Mr. Cutlip of the evolution of density in the Land Use Code and why the subject property was not zoned RM.

Mr. Cutlip thanked the Board for their assistance.

Lehigh Gas/Shell Station: Block 13, Lot 11.01, Frontage & Perryville Roads:

Kenneth Frye was present on behalf of Lehigh Gas. Mr. Frye said the property consists of 3.1 acres. Lehigh Gas is proposing modernization of the building. The existing bay area would be converted to a convenience store. A self-service car wash is also proposed. Mr. Frye said the car wash would reclaim most of the water. Fresh water is needed for rinsing and waxing. Pre-treatment of water that would enter the septic system is proposed. Mr. Bischoff asked if Lehigh had a car wash with a septic system. Mr. Frye said there is one in Pennsylvania. The regulations are somewhat different there. Mr. Bischoff said he asked that question because the subject property is near C-1 Streams. Mr. Kirkpatrick said a nearby property has documented evidence of endangered species. Mr. Frye was told it would be highly unlikely that he could obtain NJDEP approval. Mrs. Corcoran asked if the approval would be through the Hunterdon County Health Department. Mr. Frye said biodegradable products are used. There would be an oil/water separator. Mr. Kirkpatrick thought that it would probably be necessary for Lehigh Gas to utilize holding tanks. Waste would be taken to an off-site treatment facility. Mr. Kirkpatrick said it would be hard to convince the Board that oils and grease could be properly managed so they would not impact surface and groundwater quality.

Mr. Frye said that Lehigh would like to modernize the facility as well as provide services to the community. Mr. Bischoff mentioned the difficulties with the site, due to the Highlands, C-1 Streams and endangered species. Mr. Ryland said there were other convenience stores in the general area. Mr. Frye said Lehigh operates its sites differently from competitors. The restrooms would be relocated. The building envelope would be between 800 to 1,000 square feet. Mr. Kirkpatrick said the Board would look for a reduction in impervious surface coverage and elimination of multiple and confusing entrances and exits. It would be preferable to have one way in and one way out, thus eliminating cross traffic. Stormwater management features should be upgraded to provide TSS removal of at least 50% and preferably 80%, due to the proximity of the site to C-1 waters and endangered species. Mr. Kirkpatrick suggested an architectural design that would be more consistent with what could be considered as the gateway to the Highlands Region. Mr. Frye said they would work with the Township in that regard. As a whole, Mr. Kirkpatrick felt the Board and Township would welcome an upgrade to the building. Mr. Kirkpatrick said there is a service station in the Far Hills area that has a colonial look and would be desirable for this site. Mr. Hintz said one parking space is required for each 100 square feet of the building.

Mr. Frye said a professional engineer would be engaged. Mr. Bischoff mentioned the importance of complying with the Lighting Ordinance. Mr. Bischoff also suggested adequate landscaping. Mr. Frye said they would provide a landscaping plan. Mr. Hintz said he wasn't sure if a Use Variance would be required. Mayor Mazza asked if diesel fuel was sold at the site. Mr. Frye said diesel fuel is not currently sold and he doesn't believe that was planned.

Mr. Kirkpatrick said that because of the turning radius at the site, it would be preferable that diesel fuel not be sold. Mr. Mazza asked about the entrance/exit on Perryville Road. Mr. Mazza would like to see the entrance/exit at the subject site lined up with that at the Bagelsmith. Mr. Frye said they would address that issue. Mr. Kirkpatrick had referenced that issue by suggesting one way in and one way out. Mayor Mazza asked about the sale of propane fuel. It is presently sold and Mr. Frye believes that would continue.

Public Comments/Other Business: No public comments. Mr. Ryland mentioned the backup up tractor trailers due to the weigh station. Mr. Ryland said that at the NJPO Training Session, an engineer mentioned that developer's are required to maintain landscaping, replacing when necessary. He was told there are maintenance bonds that cover that matter. Mr. Bischoff asked Mr. Hintz about replacement of dead trees. Mr. Hintz indicated that is an ongoing issue. Mr. Ryland also said the engineer addressed maintenance of storm water facilities. The developer should be told to notify the Township when doing maintenance.

Mayor Mazza said the Hoffman property is in need of a Woodland Management Plan. He said Management is good for the woodland and also generates revenue. Mr. Kirkpatrick said many people do not understand how sensible cutting benefits the woodland. He also noted the presence of invasive species at the Hoffman Tract. Mr. Kirkpatrick said since Hunterdon County is co-owner of the Hoffman Property, they should be contacted and told that it would be wise to have a forester look at the trees on the site. Mrs. Corcoran asked if this would be a UTEC issue. Mr. Bischoff said it would. Mr. Kirkpatrick said it would also be considered management of open space.

Mr. Ford said UTEC has invited Planning Board members to their meeting to be held on April 8, 2008. Speakers will be present from ANJEC to talk about Open Space Preservation and Highland Regional Master Plan issues.

Approval of Minutes: Mr. Mazza made a motion to approve the minutes of the March 4, 2008 meeting. Mrs. Corcoran seconded the motion.

Vote: Ayes: Mr. Mazza, Mrs. Corcoran, Mr. Bischoff, Mr. Martin, Mr. Taibi,
Mr. Badenhause, Mr. Ryland, Mr. Ford

Abstain: Mr. Kirkpatrick

Motion to Adjourn: Mr. Bischoff made a motion to adjourn. Mr. Mazza seconded the motion. (8:55 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary